

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN Z WINTER,

Petitioner,

V.

PATRICK GLEBE,

Respondent.

CASE NO. C13-5608 BHS-KLS

ORDER

This matter is before the Court on petitioner's petition for writ of *habeas corpus* pursuant to U.S.C. §2254. Petitioner is arguing that the evidence was insufficient to convict him and he argues that some of the findings of the Washington State Court of Appeals are contrary to evidence presented in at his trial. Dkt 9, pp. 15-33; *See also* Dkt. 24 p. 3 (dispute regarding officer's testimony).

21 The Court must review the record to determine if the state courts adjudication either: (1)
22 resulted in a decision that was contrary to, or involved an unreasonable application of, clearly
23 established federal law, as determined by the Supreme Court; or (2) resulted in **a decision that**
24 **was based on an unreasonable determination of the facts in light of the evidence presented**

1 **to the state courts.** 28 U.S.C. §2254(d)(emphasis added). To complete this review the Court
2 requires the transcripts of the trial itself. Respondent did not provide that information as part of
3 the record on review. The Court now orders respondent to provide the trial transcripts.
4 Respondent shall have forty days from entry of this order to comply.

5 The Clerk's office is directed to re-note this petition for consideration on March 28, 2014

6 Dated this 21 day of February, 2014.

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9 Karen L. Strombom
10 United States Magistrate Judge
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